

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

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|---------------------------------|---|---------------------------------|
| GREGORY TAVARES CREWS, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No. 5:20-cv-001148-LCB-HNJ |
| |) | |
| J. WILLIAM B. OGLETREE, et al., |) | |
| |) | |
| Defendants. |) | |

MEMORANDUM OPINION

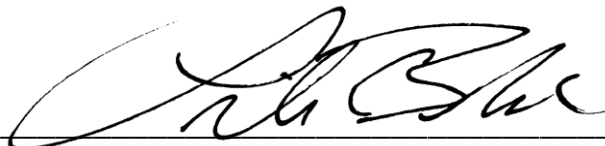
The magistrate judge filed a report on April 22, 2021, recommending this action be dismissed without prejudice for failing to state a claim upon which relief can be granted, pursuant to 28 U.S.C. § 1915A(b). (Doc. 7). The magistrate judge advised the plaintiff, Gregory Tavares Crews, of his right to file specific written objections within 14 days. On May 11, 2021, Mr. Crews filed objections. (Doc. 8).

Mr. Crews argues that he can proceed with this civil rights action because he challenges an illegal state sentence, not the underlying conviction. (Doc. 8 at 3-9). The court **OVERRULES** this objection. “[I]n order to recover damages for an allegedly unconstitutional conviction or imprisonment, *or for other harm caused by actions whose unlawfulness would render a conviction or sentence invalid*, a § 1983 plaintiff must prove that the conviction or sentence has been [overturned].” *Edwards v. Balisok*, 520 U.S. 641, 646 (1997) (emphasis in *Balisok*) (quoting *Heck*

v. Humphrey, 512 U.S. 477, 486-87 (1994)). Furthermore, “[h]abeas is the exclusive remedy” for a prisoner whether he “seeks ‘immediate or speedier release’ from” his conviction and sentence or whether the claims he raises “‘necessarily spell speedier release.’” *Skinner v. Switzer*, 562 U.S. 521, 525 (2011) (quoting *Wilkinson v. Dotson*, 544 U.S. 74, 82 (2005)). Mr. Crews’s conviction and sentence have not been overturned. Therefore, the magistrate judge correctly concluded that “no matter the relief he seeks, *i.e.* ‘damages or equitable relief,’ or ‘the target of his suit,’ *i.e.* ‘state conduct leading to conviction [and sentence],’ *Dotson*, 544 U.S. at 82, this action warrants dismissal as barred.” (Doc. 7 at 7).

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, and the objections thereto, the court **ADOPTS** the magistrate judge’s report and **ACCEPTS** his recommendation. Therefore, in accordance with 28 U.S.C. § 1915A(b), this action is due to be dismissed without prejudice for failing to state a claim upon which relief can be granted.

A Final Judgment will be entered.


LILES C. BURKE
UNITED STATES DISTRICT JUDGE